

At the end of June, 2006 the license granted by the Town to Comcast, Amherst's (and much of the Pioneer Valley's) cable television supplier, expires. Why bring this up now, more than two years ahead of time, and especially at a time when there are lots of other things on peoples' minds, like the budget issues the Town faces? The reason for planning for a renewal license for Comcast this early in the game lies in federal and state statutes and regulations.

When a licensee, in our case Comcast, requests the renewal of its current license, the law requires that negotiations with the licensing authority (in Amherst's case the Select Board) start between 36 and 30 months prior to expiration. In the summer of 2003 the Select Board designated the Town's Cable Advisory Committee to negotiate on behalf of the Board, and the Committee has been at work since then.

It's important to know what we're talking about, and two words come up frequently, "relicensure" and "ascertainment." Relicensure is the process of working on a renewal license. The process begins with ascertainment, an attempt to determine the cable television needs of the Town. That's where we are now.

The law requires the Town to hold at least one public hearing as part of ascertainment. This hearing will be held on Thursday evening, April 15, at 7 o'clock in the Town Room on the second floor of Town Hall. We invite anyone who is interested in cable television in the Town to attend and speak (or just sit and listen). The hearing will also be cablecast on Channel 17.

It is important, however, for everyone to know the ground rules that limit what we may discuss with Comcast.

First, there are two major headings under which the majority of comments, questions and complaints we hear fall—how much Comcast charges and what stations and programs Comcast carries. We have to say right at the beginning that with only a very few extremely limited exceptions, federal statutes and FCC regulations prohibit discussion of these two topics! One can argue about the reasonableness of the prohibition until the cows come home, but the fact is that it's the law, and for all practical purposes there's nothing we can do about it.

Second, internet broadband service isn't covered in the current license. And what's more, it can not be covered in the renewal license, either! Why not? The answer is simple and, of course, political. A couple of years ago cable companies prevailed on the FCC to reclassify internet broadband service from a "cable service," which is covered by the law, to an "information service," which is not. "Information service" is beyond the scope of the laws and regulations governing cable television! This decision is being appealed by the organization representing community access stations across the country as we negotiate, but until it is reversed, there is nothing we can do about the broadband service Comcast provides on the same wires carrying TV.

That being said, what can we talk about? What can we negotiate? As it turns out, there are a lot of things, and we can get a lot of help. The Cable Television Division of the Commonwealth's Department of Telecommunications and Energy has authority over licensing, basic service tier ratemaking, and consumer protection. And they're a lot closer to us than is the federal government! Closer still is local government—us—and we have some powers, too. The DTE delegates authority to issue cable licenses to local governments—the Select Board in our case. We can monitor cable operators and operations and enforce provisions in the license we grant. We may even intervene in rate processing (which, frankly, doesn't amount to much).

What is a license and what may it contain? First, a license is an agreement between a cable operator and the Town, and includes enforceable obligations between both parties. This license is required by federal law. It protects the rights of both the Town and Comcast. Most important, we have the right to a cable system that is responsive to our needs and interests. It's part of the ascertainment process to determine what these are—and this is where the public hearing comes in.

But the hearing is only one part of what we're planning to complete ascertainment. We have also developed a questionnaire which may be found on our web site ([www.town.amherst.ma.us/cable](http://www.town.amherst.ma.us/cable)) and on scroll on channel 17 (the government access channel) on your TV. We are contacting community organizations, will review information supplied to us by Comcast and review licenses granted by other cities and town.

What may we think about if we can not negotiate the two (or three) main issues people want to talk about? Lots of things.

- How long a license should we grant? The last three licenses which the Town has granted to the myriad cable providers we've experienced (Time-Warner, Cox, Continental Cablevision, MediaOne, AT&T, and Comcast) have been for 10 years. Given the extremely rapid changes in technology we're experiencing, is this the right length of time, or should it be shorter (or longer)?
- How do we deal with proposals for upgrading the system?
- One of the most important things we need to include is something about future technologies.
- A little known but increasingly vital part of what the cable provider is required to give the town is the Institutional Network, the so-called I-Net. Never heard of it? Come to the hearing!
- An important part of the license will be community access. Amherst has 3 community access channels—a public channel (12), an education channel (15) and a governmental channel (17). These are currently managed by ACTV. While the Town has a separate contract with ACTV which will be renegotiated after the license with Comcast is finished, provision of community access is an important part of the current license with Comcast. Can we improve it? Change it? Modify it? These are all subjects for ascertainment, and will be topics at the public hearing.
- We will need to nail down a definition of the gross revenue that supports community access, a technical point, to be sure, but vital.
- What about customer service? What do we need?
- In a time of the evolution of two-way communication over the cable, privacy becomes a huge issue.
- We can try to negotiate a senior citizen discount.
- We are concerned about the amount and presentation of pass-through fees.
- While we can not dictate how Comcast packages its programming, we may request categories of programming. Bring us your ideas.
- In addition, there is a host of technical issues. All are important.

When we're done we will draft a license which we will present to Comcast as our proposal, after which begins the negotiating process. The important point now, however, is that we need your input. Go to our web site and respond to the questionnaire. Attend the public hearing on April 15. Email us at [cac@town.amherst.ma.us](mailto:cac@town.amherst.ma.us) or [cable@town.amherst.ma.us](mailto:cable@town.amherst.ma.us).

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